

United States District Court

FILED

MAR 26 2008

NORTHERN

DISTRICT OF

CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Venue: SAN FRANCISCO

v.

FRANCISCO VIAN
a/k/a JAVIER SANDOVAL

CRIMINAL COMPLAINT

JCS

(Name and Address of Defendant)

CASE NUMBER 08 70172

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about June 1, 2000, in San Mateo County, in the Northern District of California, the defendant did, willfully and knowingly make a false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws in violation of Title 18 United States Code, Section 1542, False Statement in a Passport Application.

I further state that I am a Special Agent and that this complaint is based on the following facts:

See attached Affidavit in Support of Criminal Complaint

Maximum Penalties:

Title 18 USC Section 1542:

10 years of imprisonment; \$250,000 fine; 3 years supervised release; and \$100 special assessment fee

APPROVED AS TO FORM:

AUSA Owens

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Arrest Warrant Requested: ☒ Yes ☐ No

Bail Amount: _____

Signature of Complainant, Jeffrey Dubsick

Sworn to before me and subscribed in my presence,

March 26, 2008

Date

at San Francisco, California

City and State

Joseph C. Spero

United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

5. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in 22 U.S.C. § 211a, authorized the United States Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a

person wanting a United States passport must complete and submit an application to the State Department and must submit proof of American citizenship, usually a birth certificate, and proof of identity, a driver's license and Social Security Number, with their application. Another rule allows officers at United States Post Offices to accept passport applications, and to then forward them to the State Department for processing.

6. Title 18 U.S.C. § 1542 states, in pertinent part, "Whoever willfully and knowingly makes any false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for their own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws...shall be fined under this title...or imprisoned not more than 10 years...or both." Title 18 U.S.C. § 3291 provides for a ten year statute of limitations for passport offenses.

Facts Supporting Probable Cause

7. On or about June 1, 2000, a person purporting to be JAVIER SANDOVAL submitted an application for a United States passport at the Redwood City Post Office, which is located in the Northern District of California. A review of this application and other State Department records disclosed this person listed the name JAVIER SANDOVAL, with a place of birth of Los Angeles, California.

8. This application was referred to DSS for criminal investigation because of the existence of fraud indicators. The applicant could not be located in 2000 and the case remained unsolved.

9. In March 2007, as part of a "Cold Case" review, I reopened this case. On March 2, 2007, I telephonically interviewed who I believe from my training and experience was the real JAVIER SANDOVAL in Los Angeles. He told me his identity documents had been taken/stolen from him when he younger.

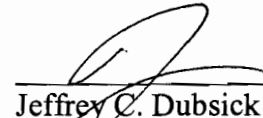
10. On December 17, 2007, DSS Special Agents interviewed Alvaro Vian, who was located from a shared address he had with the person purporting to be JAVIER SANDOVAL. Alvaro Vian identified the passport applicant as his brother, FRANCISCO VIAN and provided this information to DSS Special Agents in a sworn statement.

Conclusion

11. Based on the facts and information detailed in the affidavit, I believe that probable cause exists that FRANCISCO VIAN made a false statement in a passport application, in violation of 18 U.S.C. § 1542, when he falsely stated his name was JAVIER SANDOVAL, on the aforementioned passport application submitted at the


Redwood City Post Office in the Northern District of California. As such, I respectfully request a warrant for his arrest.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.



Jeffrey C. Dubsick
Special Agent
Diplomatic Security Service
San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME
ON March 26, 2008



THE HONORABLE JOSEPH C. SPERO
United States Magistrate Judge
Northern District of California